

May 1, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20796
Summary Calendar

GLENN FRANKLIN ANDERSON,

Plaintiff-Appellant,

versus

JAMES G. ROCHE, Secretary of the Air Force,

Defendant-Appellee,

versus

EFREM LYDELL SCRANTON,

Movant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CV-481

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Glenn Franklin Anderson appeals the district court's order dismissing his petition for failure to obtain leave to proceed prior to filing. This appeal was improvidently docketed and is dismissed because Anderson did not obtain written permission to proceed from a judge of this court

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

prior to filing his appeal. See Anderson v. United States Air Force, No. 95-20660 (5th Cir. Apr. 11, 1996) (unpublished).

Anderson is sanctioned \$500 and is barred from filing any pro se, in forma pauperis, civil appeals in this court without the prior written approval of an active judge of this court. Further, he is barred from filing any pro se, in forma pauperis, initial civil pleading in any court that is subject to this court's jurisdiction without first obtaining advance written permission of a judge of the forum court. Additionally, the clerk of this court and the clerks of all federal district courts subject to the jurisdiction of this court are directed to return to Anderson, unfiled, any attempted submission, including any motion requesting leave to proceed, until Anderson has paid in full all outstanding sanctions.

Movant-Appellant Efrem Lydell Scranton appeals the district court's denial as moot of his motion to join as a party. The district court did not abuse its discretion in denying Scranton's motion. See Arizonans for Official English v. Arizona, 520 U.S. 43, 67 (1997). Thus, Scranton's appeal is without arguable merit and is dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); see also 5TH CIR. R. 42.2.

APPEAL DISMISSED FOR FAILURE TO OBTAIN LEAVE TO PROCEED, AND SANCTIONS IMPOSED AS TO ANDERSON; APPEAL DISMISSED AS FRIVOLOUS AS TO SCRANTON.